

Appl. No. 09/889,632
Atty. Docket No. 7399
Amdt. dated October 31, 2003
Reply to Office Action of July 31, 2003
Customer No. 27752

REMARKS

Claims 34, 36, 37, 39-42, 44-46, 48, and 50-54 are pending in the present application. No additional claims fee is believed to be due.

Claims 30-33, 35, 38, 43, 46, 47, and 49 are canceled without prejudice.

Claims 34, 36, 37, 39-42, 44-46, and 48 have been amended to more accurately describe the claimed invention of the present application and for clarification purposes. Support for the amendments to more accurately describe the claimed invention of the present application is found as follows:

Claim 46 at page 4, lines 29-30 and page 5, lines 1-17 of the specification.

Claim 34 at page 6, lines 3-9 of the specification.

In addition, new Claims 50-54 has been added. Support for the new claims is found as follows:

Claim 50, page 4, lines 29-30; page 5, lines 1-17; page 45, lines 3-20; page 65, line 31 – page 66, line 25; page 47, lines 6-11; page 64, lines 24-27 and page 88, lines 12-17 of the specification

Claim 51, page 5, lines 13-15 of the specification.

Claim 52, page 5, line 15 – page 6, line 2 of the specification

Claim 53, page 5, line 15 – page 6, line 2 of the specification.

Claim 54, page 4, lines 29-30; page 5, lines 1-17; page 45, lines 3-20; page 65, line 31 – page 66, line 25; page 47, lines 6-11; page 64, lines 24-27 and page 88, lines 12-17 of the specification

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC 102 Over US 6,274,540, Scheibel, et al.

The Office Action of July 31, 2003, rejected Claims 30-42, and 45-49 under 35 U.S.C. § 102(e) in view of US 6,274,540 (Scheibel, et al.). Applicants respectfully submit that the claimed invention have been amended to more specifically claim the use of diamines, enzymes, and stabilizers, in

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addition to the surfactant system and divalent ions in the claimed invention of the present application. The claimed invention, as amended, more specifically recites the requirement that specified components, such as diamines, of the detergent composition are free of impurities. The limitation of impurities is patentably distinguishable from Scheibel, et al. in solving the problem of malodor formation of hand dishwashing compositions that comprise diamines and amine oxide surfactants while giving a composition stable at low temperatures and providing grease removal and tough food cleaning benefits in hard water and at pHs of 9 or lower.

The standards of anticipation are strict. The invention must be disclosed within the four corners of a single reference. If a reference is silent or ambiguous with respect to an element or feature of the invention, that gap cannot be filled by an assumption or by combining one reference with another. General Tire & Rubber Co. v. Firestone Tire Co., 174 USPQ 442 (1972). An anticipating reference must teach the invention; it is not sufficient to point to its silence or ambiguity after the invention and argue that the invention could be made out from the reference. Id. Applicants submit that Scheibel, et al. does not teach the purity of such components as diamines to prevent the presence of malodor in liquid hand dishwashing compositions.

Rejection Under 35 USC 103(a) Over WO 99/05243 in view of US 6,365,561, Vinson et al.

Claims 30-49 have been rejected under 35 USC 103(a) as being unpatentable over WO 99/05243 (WO '243) in view of US 6,365,561 (Vinson, et al.)

WO '243 was published on February 4, 1999. The present application has a priority date of January 20, 1999, and was filed on July 19, 2001. This means WO '243 only qualifies as prior art under 35 USC 102(e). Furthermore, the present application and WO '243 were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to, The Procter & Gamble Company.

Therefore, since the current application has a filing date after November 29, 1999 (the effective date of 35 USC 103(c)), Applicants contend that WO '243 is not available as a reference under 35 USC 103(c).

Additionally, Vinson, et al. issued on April 2, 2002. The present application has a priority date of January 20, 1999, and was filed on July 19, 2001. This means Vinson, et al. only qualifies as prior art under 35 USC 102(e). Furthermore, the present application and Vinson, et al. were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to, The Procter & Gamble Company.

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Therefore, since the current application has a filing date after November 29, 1999 (the effective date of 35 USC 103(c)), Applicants contend that Vinson, et al. is not available as a reference under 35 USC 103(c).

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 102 and §103. Early and favorable action in the case is respectfully requested. If, prior to allowance, any outstanding issues exist, Applicants' attorney would welcome the opportunity to resolve such issues via a phone interview.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 34, 36, 37, 39-42, 44-46, 48, and 50-54.

Respectfully submitted,

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